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**By: Delegate C. Davis**

Introduced and read first time: February 17, 1997

Assigned to: Judiciary

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A BILL ENTITLED

1 AN ACT concerning

2 **Parole - Eligibility for Life Sentences - Repeal of Governor's Approval**

3 FOR the purpose of repealing the requirement that the Governor approve parole for  
4 certain persons serving sentences of life imprisonment; providing for the  
5 termination of this Act; and generally relating to parole eligibility.

6 BY repealing and reenacting, with amendments,  
7 Article 31B - Patuxent Institution  
8 Section 11(b)  
9 Annotated Code of Maryland  
10 (1993 Replacement Volume and 1996 Supplement)

11 BY repealing and reenacting, with amendments,  
12 Article 41 - Governor - Executive and Administrative Departments  
13 Section 4-516(d)  
14 Annotated Code of Maryland  
15 (1993 Replacement Volume and 1996 Supplement)

16 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
17 MARYLAND, That the Laws of Maryland read as follows:

18 **Article 31B - Patuxent Institution**

19 11.

20 (b) After transfer of a person to the Institution for treatment as an eligible person  
21 but prior to the expiration of the person's sentence, the board of review, upon review of  
22 the person may take the following action:

23 (1) If the board of review concludes that the person is no longer an eligible  
24 person but should remain confined until released on parole in accordance with normal  
25 Parole Commission standards or expiration of sentence or the inmate requests a transfer  
26 in writing, the director shall notify the Commissioner and send him a copy of the  
27 evaluation team's report. Within 90 days after that notice, the person shall be delivered to  
28 the appropriate correctional facility designated by the Commissioner. This transfer shall  
29 not affect any right to parole consideration that the person may then have.

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1 (2) If the board of review concludes that (i) it will not impose an  
2 unreasonable risk on society; and (ii) it will assist in the remediation of the eligible  
3 person, it may grant a parole from the Institution for a period not exceeding one year.

4 (3) Except as provided in paragraph (4) of this subsection, a person who has  
5 been sentenced to life imprisonment is not eligible for parole consideration until the  
6 person has served 15 years or the equal of 15 years when considering allowances for  
7 diminution of the period of confinement provided for in Article 27, §§ 638C and 700 of  
8 the Code.

9 (4) A person who has been sentenced to life imprisonment as a result of a  
10 proceeding under Article 27, § 413 is not eligible for parole consideration until the person  
11 has served 25 years or the equal of 25 years when considering the allowances for  
12 diminution of the period of confinement provided for in Article 27, §§ 638C and 700 of  
13 the Code.

14 [(5) An eligible person who is serving a term of life imprisonment shall only  
15 be paroled with the approval of the Governor.]

16 [(6)] (5) The board of review may attach reasonable conditions to the  
17 parole, at any time make reasonable and appropriate modifications of these conditions,  
18 and revoke the parole if it finds that the person has violated a condition of the parole.  
19 The board of review shall review the person's status prior to the expiration of the parole  
20 period, and may extend the parole.

## 21 **Article 41 - Governor - Executive and Administrative Departments**

22 4-516.

23 (d) (1) Except as provided in paragraphs (2) and (3) of this subsection, a person  
24 who has been sentenced to life imprisonment is not eligible for parole consideration until  
25 the person has served 15 years or the equal of 15 years when considering the allowances  
26 for diminution of period of confinement provided for in Article 27, § 700 and Article 27,  
27 § 638C, of the Code.

28 (2) A person who has been sentenced to life imprisonment as a result of a  
29 proceeding under Article 27, § 413 is not eligible for parole consideration until the person  
30 has served 25 years or the equal of 25 years when considering the allowances for  
31 diminution of period of confinement provided for in Article 27, § 700 and Article 27, §  
32 638C, of the Code.

33 (3) (i) If a person is sentenced to imprisonment for life without the  
34 possibility of parole under Article 27, § 412 or § 413 of the Code, the person is not eligible  
35 for parole consideration and may not be granted parole at any time during the term of the  
36 sentence.

37 (ii) Nothing contained in this paragraph may be construed to restrict  
38 the authority of the Governor to pardon or remit any part of a sentence under the  
39 provisions of § 4-513 of this article.

40 [(4) If eligible for parole under this subsection, an inmate serving a term of  
41 life imprisonment and a person serving a term of life imprisonment who is confined at

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1 Patuxent Institution as an eligible person shall only be paroled with the approval of the  
2 Governor.]

3           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
4 October 1, 1997. It shall remain effective for a period of 5 years and, at the end of  
5 September 30, 2002, with no further action required by the General Assembly, this Act  
6 shall be abrogated and of no further force and effect.